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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/883,238	06/19/2001	Keiji Sato	1341.1098	9555

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EXAMINER

FISH, JAMIESON W

ART UNIT PAPER NUMBER

2617

DATE MAILED: 10/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/883,238

Applicant(s)

SATO, KEIJI

Examiner

Jamieson W. Fish

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 8-5-2005
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 and 11-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 and 11-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments with respect to claims **1-8** and **11-18** have been considered but are moot in view of the new ground(s) of rejection.
2. The applicant also argues with respect to claim 8 that no motivation to modify Kikinis is stated. The office action clearly states the motivation as "to allow the user to verify the transaction."

### ***Claim Rejections - 35 USC § 102***

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims **7** and **15** are rejected under 35 U.S.C. 102(b) as being anticipated by Kikinis (US 5,929,849).
5. Regarding claim **7**, Kikinis teaches a method of receiving programs, broadcast by a broadcasting unit, by a receiving unit of a listener, the method comprising the steps of: receiving the program information about a program to be broadcast from the broadcast unit, relevant information about an object displayed onto the display screen of the program which is generated in the broadcasting unit including the advertisement information about the advertisement of the object, and sync information for synchronizing the program information with the relevant information from said broadcasting unit, said sync information including the information about the time at which the object is displayed or the frames that contain the object and the information about the display position at which the object is displayed; and (See Col. 8 lines 44-67

Art Unit: 2617

and Col. 9 lines 1-36 Tags are matched with images at certain positions within a frame); storing the received program information, relevant information, and sync information (See Col. 9 lines 28-35); and synchronously outputting the program information and relevant information in accordance with the stored sync information (See Col. 9 lines 24-67 Col. 10 lines 1-5).

6. Regarding claims 15, claims 15 is an apparatus claims corresponding to method claim 7. Thus claim 15 is analyzed and rejected with respect to claim 7.

***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

7. Claims 1-6, 11-14 rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis (US 5,929,849) in view of Walker (US 6,131,086).

8. Regarding claim 1, Kikinis teaches a method of broadcasting programs, executed by a broadcasting unit in a broadcasting system, said broadcasting system also including at least one receiving unit of a listener, the method comprising the steps of: reading program information from a program-information database provided in said broadcasting unit and image-analyzing the thus read-out program information (See Fig. 3B, Step 73 and Col. 10 lines 6-23 MPEG files are read and image analyzed); extracting an object appearing in a program which is to be broadcast so as to generate information of the time or frame and display position of the object on a screen (See Fig. 3B Col. 10 lines 18-55 Position of objects within a frame are identified); generating the relevant information about the extracted object (See Col. 8 lines 44-67 and Col. 9 lines 1-45);

generating sync information to be used for synchronizing the program information with the relevant information (See Col. 8 lines 44-67 and Col. 9 lines 1-45 Tags are sync information); and transmitting the program information, relevant information, and sync information to said receiving unit (See Fig. 3A and Col. 9 lines 28-35). Kikinis differs from the claimed invention in that Kikinis does not disclose the generation of a table and generating relevant information through referencing a table. However, the benefits of generating and referencing a table are notoriously well known e.g. quick obtaining information. Furthermore, specifically using tables to organize information pertaining to an object appearing in a video frame are well known as taught by Walker (See Fig. 6 Col. 5 lines 10-50). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kikinis so a table was generated and referenced when objects were extracted from the video frame as taught by Walker to provide a way to quickly reference information about extracted objects.

9. Regarding claim 2, Kikinis modified with Walker teaches wherein the sync information includes the information about the time at which the object is displayed or the frames that contain the object, and the information about the display position at which the object is displayed (See Col. 8 lines 44-67 and Col. 9 lines 1-45).

10. Regarding claim 3, Kikinis modified with Walker teaches wherein the relevant information is the advertisement information about advertisement of the object (See Col. 8 lines 44-67 and Col. 9 lines 1-23).

11. Regarding claim 4, Kikinis modified with Walker teaches wherein the relevant information is the auction information about auction of the object, and the method

Art Unit: 2617

further comprising the steps of: receiving purchase values of the object to be auctioned from said receiving unit (See Walker Col. 4 lines 22-28, Col. 6 lines 57-67); and transmitting the highest value among the received purchase values (See Walker Col. 4 lines 22-28, Col. 6 lines 57-67).

12. Regarding claim 5, Kikinis modified with Walker teaches the method further comprising the steps of: deciding the listener transmitting the highest price as a successful bidder of the object when broadcasting of the program information is completed (See Walker Col. 4 lines 22-28, Col. 6 lines 57-67); and transmitting information about the successful bidder to the receiving unit (See Walker Col. 4 lines 22-28, Col. 6 lines 57-67 The highest bidder would have to be notified).

13. Regarding claim 6, claim 6 differs from claim 1 in that sponsor-recruiting information is generated and transmitted instead of sync information and relevant information. Relevant information and sponsor-recruiting information can both be interpreted as a URL. Thus, claim 6 is analyzed and rejected according to claim 1.

14. Regarding claim 11, claim 11 is a computer-readable recording medium which stores a computer program contains instructions which when executed realizes the method of claim 1. Since Kikinis teaches where his system is implemented by computerized control circuitry (See Col. 3 lines 33-53), claim 11 is rejected according to claim 1.

15. Regarding claim 12, claim 12 is a computer-readable recording medium which stores a computer program contains instructions which when executed realizes the method of claim 6. Since Kikinis teaches where his system is implemented by

Art Unit: 2617

computerized control circuitry (See Col. 3 lines 33-53), claim 12 is rejected according to claim 6.

16. Regarding claims 13 and 14, claims 13 and 14 are apparatus claims corresponding to the methods of claims 1 and 6, respectively. Thus claims 13 and 14 are analyzed and rejected with respect to claims 1 and 6.

17. Regarding claims 17 and 18, claims 17 and 18 are computer readable medium claims corresponding with limitations meet by the methods of claims 1 and 6, respectively. Thus claims 17 and 18 are analyzed and rejected with respect to claims 1 and 6.

***Claim Rejections - 35 USC § 103***

18. Claims 8 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kikinis.

19. Regarding claim 8, Kikinis teaches a method of receiving programs, broadcast by a broadcasting unit, by a receiving unit of a listener, the method comprising the steps of: receiving the program information about a program to be broadcast from the broadcasting unit and sponsor-recruiting information for recruiting a sponsor who pays for the cost of displaying an object displayed onto the display screen of the program (See Col. 8 lines 44-67 and Col. 9 lines 1-23 The sponsor recruiting information is the URL); storing the program information and sponsor-recruiting information (See Col. 8 lines 44-67 and Col. 9 lines 1-23 The sponsor recruiting information is the URL); outputting the stored program information and sponsor-recruiting information (See Col. 8 lines 44-67 and Col. 9 lines 1-23). Kikinis fails to disclose transmitting sponsor-

Art Unit: 2617

designating information to the broadcasting unit for designating that the owner of the receiving unit becomes the sponsor who pays for the cost of displaying the object to said broadcasting unit. Kikinis does disclose where his system is broad enough to implement common internet product purchasing functions (See Col. 8 lines 34-44 and Col. 11 lines 51-55). The limitation of transmitting sponsor-designating information is equivalent to transmitting a purchase confirmation to a user. The examiner takes Official Notice that transmitting a purchase confirmation to a user is well known in the art. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Kikinis so that a user was sent a purchase confirmation information after the user made a purchase to allow the user to verify the transaction.

20. Regarding claim **16**, claim **16** is an apparatus claim corresponding to the methods of claim **8**. Thus claim **16** is analyzed and rejected with respect to claim **8**.

### ***Conclusion***

21. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

22. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the



Art Unit: 2617


shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

23. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamieson W. Fish whose telephone number is 571-272-7307. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

24. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JF 10-14-2005

  
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